

Remarks:

Claims 21-26 remain for consideration in this application, with all claims 21-26 being in independent format. Claims 21-26 are currently amended. Claim 27 was previously withdrawn and claims 1-20 were previously cancelled.

Claims 21-26 were rejected under 35 U.S.C. 103(a) for being unpatentable over Rossow et. al. in view of Moormann et. al. It was alleged that Rossow described the deposited virus VR 2332 and Moormann described making DNA clones that have copies of infectious viruses. Applicants have amended claims 21-26 to incorporate the limitation that the DNA or polynucleotide encoding the infectious clone or molecule is at least 15kb in length. Support for this amendment is provided throughout the specification (see page 6, first full paragraph). As further noted in the specification, prior to the present invention and methods disclosed in the present application, it was not possible to generate infectious clones for positive strand RNA viruses greater than about 12kb (see page 3, first full paragraph). Thus, as noted on page 24 in the last paragraph, the infectious clone of the present invention is the longest infectious clone ever developed or a positive strand RNA virus and the first of the arterivirus family. The details of how this was effected were provided in the Detailed Description, but an important part was the determination of the content of the 5' end as the problems associated with such a determination were outlined beginning on page 21, after the heading of "BEST MODE." It cannot be said that the combination of Rossow and Moormann would permit the skilled artisan to produce the invention as claimed herein. This assertion is also supported by the fact that in order to make the claimed clones, a novel method had to be developed wherein cells that were not susceptible to infection were used to generate the clones. Neither Rossow or Moorman could have made the claimed clones as the Moorman method only used susceptible swine kidney (SK6-M) cells, which could not have made the clones claimed herein as they cannot be successfully transfected. Accordingly, Applicants respectfully assert that a prima facie case of obviousness has not been made and therefore, this rejection has been overcome.

In view of the foregoing, the claims as they stand appear to be allowable over the prior art, and thus, a Notice of Allowance appears to be in order and is courteously solicited. A fee for a one month extension is included herewith together with the fee required for the filing of an

RCE. Any additional fee which is due in connection with this Amendment or RCE should be applied against our Deposit Account No. 50-1662.

Respectfully submitted

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